

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

BRANDON LANE WALTERS,

Plaintiff,

v.

**CIVIL ACTION NO. 3:13-CV-38
(JUDGE GROH)**

BRANDY CROCOST, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge David J. Joel [Doc. 9]. By Standing Order, entered on March 24, 2000, this action was referred to Magistrate Judge Joel for submission of a proposed report and recommendation ("R & R"). Upon his initial review, Magistrate Judge Joel filed his R & R on May 1, 2013. In that filing, the magistrate judge recommends that the *pro se* plaintiff's request to proceed without prepayment of fees in the plaintiff's underlying FOIA action [Doc. 6] be denied, and that the plaintiff be ordered to pay the full filing fee.

Pursuant to 28 U.S.C. §636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo*


review and the plaintiff's right to appeal this Court's Order. 28 U.S.C. §636(b)(1); **Snyder v. Ridenour**, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Joel's R & R were due by May 20, 2013. To date, no objections have been filed. Accordingly, this Court will review the R & R for clear error.

Upon careful review of the record, it is the opinion of this Court that the magistrate judge's Report and Recommendation **[Doc. 9]** should be, and hereby is, **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, the plaintiff's Application to Proceed Without Prepayment of Fees **[Doc. 6]** is **DENIED**. The plaintiff is hereby cautioned that failure to pay the full filing fee within the time allowed by the Court will result in the dismissal of his complaint.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record and to mail a copy to the *pro se* plaintiff.

DATED: May 28, 2013.


GINA M. GROH
UNITED STATES DISTRICT JUDGE